



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.411 of 2016

and

C.M.P(MD)No.8109 of 2016

Rajeswari

...Petitioner

vs.

Govindarajan

...Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.58 of 2016 on the file of the learned Subordinate Judge, Kallakurichi and transfer the same to the file of the learned Subordinate Judge, **Srivilliputhur** to try along with H.M.O.P.No.94 of 2016.

(Amended as per the order of this court dated 17.11.2016 made in CMP(MD)No.10746/2016)

For Petitioner : Mr.S.Veeranasamy

For Respondent : Mr.G.Anbu Saravanan

ORDER

The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 18.08.1999 as per Hindu rites and customs. Out of the wedlock, one female child was born on 24.06.2000 and thereafter another female child was born on 5.3.2003. On various grounds, the petitioner filed a petition in H.M.O.P.No.94 of 2016 seeking divorce before the learned Subordinate Judge, Srivilliputhur. The respondent/husband also filed H.M.O.P.No.58 of 2016 before the learned Subordinate Judge, Kallakurichi. Hence, the present Transfer Miscellaneous Petition has been filed to transfer H.M.O.P.No.58 of 2016 from the file of learned Subordinate Judge, Kallakurichi to the file of the learned Subordinate Judge, Srivilliputhur to try along with H.M.O.P.No.94 of 2016.

2.The contention of the petitioner is that she is living in her aged parents' house with two minor children and they are studying at Rajapalayam and no one is taken care of her children. Further contention of the petitioner is that there is an allegation of threat against the petitioner and hence, the petitioner could not able to contest the case at Kallakurichi. Therefore, she requested this Court to transfer the petition in H.M.O.P.No.58 of 2016 on the file of the learned Subordinate Judge, Kallakurichi to the file of the learned Subordinate Judge, Srivilliputhur.



3.The learned counsel for the respondent submitted that the two children are studying at Kallakurichi, for which, he produced the school certificates of the two children. According to the two school certificates, it is proved that the children are studying at Kallakurichi. Therefore, it is to be construed that the petitioner is also residing at Kallakurichi along with her children and she filed the present transfer petition only for harassing the husband.

4.Hence, this Court is of the view that the present Transfer petition filed to transfer H.M.O.P.No.58 of 2016 from the file of the learned Subordinate Judge, Kallakurichi to the file of the learned Subordinate Judge, Srivilliputhur to try along with H.M.O.P.No.94 of 2016 deserves no consideration in view of the fact that the petitioner has not come out with the clear facts.

5.In such facts and circumstances, this Court is not inclined to consider the grounds raised by the petitioner in the transfer civil miscellaneous petition. Hence, this transfer civil miscellaneous petition is devoid of merits and the same is dismissed. No costs. Consequently, civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1)The Subordinate Judge, Kallakurichi.
- 2)The Subordinate Judge, Srivilliputhur.

+1cc to M/s.G.Anbusaravanan, Advocate in SR.69839

TR.CMP(MD)No.411 of 2016
17.11.2016

cla

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